UNITED STATES DISTRICT COURT	EASTERN DISTRICT OF TEXAS
ERIC JACKSON,	
Plaintiff,	9 § 8
versus	§ CIVIL ACTION NO. 9:23-CV-37
DIRECTOR, TDCJ-CID,	8 8 8
Defendant.	§ §

## MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Eric Jackson, an inmate confined at the Lewis Unit located in Woodville, Texas, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing this action without prejudice pursuant to FED. R. CIV. P. 41(b) based on plaintiff's failure to either pay the filing fee or submit an application to proceed *in forma pauperis* in this action.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes plaintiff's objections are without merit.

Plaintiff's objections, liberally interpreted, are construed as asserting that he is not responsible for payment of the filing fee. Plaintiff asserts he is an authorized officer or "Ambassador/ a Representative" with the "authorized power with authority given by 'God' and invested in [him]" and he is "a claimant at law as an authorized officer for the law known as 'common law/God's law.'" Further, Plaintiff's conclusory allegations of "ongoing organized

crime" at the Lewis Unit are insufficient to excuse his failure to either pay the filing fee or submit

an application to proceed in forma pauperis in this action. The Texas Department of Criminal

Justice, Correctional Institutions Division, has established procedures whereby an inmate may

obtain the certified statement of his inmate trust account and authorize the payment of filing fees.

See Morrow v. Collins, 111 F.3d 374, 375-76 (5th Cir. 1997) (taking judicial notice of TDCJ

procedures and dismissing appeal for want of prosecution, even though prisoner claimed he could

not get a statement of his account due to hostility on the part of prison officials). A notice to

inmates was provided by TDCJ, informing all inmates of the procedure. *Id*.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and

conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

**ADOPTED**. Plaintiff may reinstate the above-styled action either by paying the full \$402.00

filing fee or submitting an application to proceed in forma pauperis within thirty (30) days from

the date of this order. A final judgment will be entered in this case in accordance with the

magistrate judge's recommendation.

Signed this date

Sep 25, 2023

MARCIA A. CRONE

Maria a. Crone

UNITED STATES DISTRICT JUDGE

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